

Mr. Chairman and members of the Committee:

I beg the indulgence of those committee members who may have previously heard my testimony. I am J.A. "Ziggy" Ziegler, 75 years of age, a 35 year resident of Billings, and a retired Yellowstone County Commissioner, 16 years of service. I am state Chairman of the Montana Catholic Conference and Montana Social Service Commission, appointed by our two bishops. I am a member of the abolition of the death penalty coalition and Montanans for Justice.

I am here today to seek your support in abolishing the death penalty in our great state. I am the victim of a violent crime. On July 7th, 1973, my 78 year old father was senselessly murdered in a foiled robbery attempt. He was sitting in his car in a grocery store parking lot reading his evening newspaper. He was mortally wounded and left dead in the front seat of his car. The perpetrators fled to a waiting automobile. My 76 year old mother finished her shopping, was returning to her car and witnessed the ambulance attendants removing my father's body from the vehicle. This crime occurred in the neighborhood where I grew up in as a child. A lady shopper and her teenage son witnessed this crime. They were able to identify two teenage youth who were apprehended within a matter of hours and charged accordingly.

No words can adequately describe the emotions and trauma when one receives "that" telephone call. There is first disbelief, then sheer physical grief of a loss, then reality, then hatred. Three days earlier I had spent the holiday with my father. I not realized that I would never see him alive again nor would I be able to tell him I loved him or to say "goodbye." I became angrier. My older brother received the news first, his call to me was confusing...he could not say the words that our father was dead, only "Dad is gone...Dad is gone"..... My brother could not cope with our loss. I assumed the task of identifying my father at the morgue, securing his personal property and making the funeral arrangements.

In the weeks that followed I accompanied my mother to juvenile hall to experience the trial and inquest regarding my father's death. I attempted to shield my mother to alleviate her of that responsibility of identifying the photos of her deceased husband or to look at the defendants and hear their testimony. The sentencing phase remanded the two minors to a youth detention facility to their twenty-first birthdays. At that time, California had no law regarding minors in capital cases.

The shock and trauma of this tragic event in our family lingered on for a long time...my mother survived 14 years, never fully recovering from the loss of her husband but relying on prescribed medications to help her cope...my brother has not forgiven the youths and has commented on many occasions over the years that we should have gotten a gun and killed them. My response has always been that it would not accomplish anything and certainly not bring back our father and only put us in jeopardy. My sister returned to another state and immersed herself in raising her 12 children, choosing to put all this behind her and not speak of it even to this day.

I addressed the hate issue for some time. It was only with the gift of my family, my faith and my friends that I was able to overcome that consumption and release it before it destroyed my life and that of my family. In 1978, I was asked to participate in a four day prison retreat program for the inmates held at our prison in Deer Lodge. My initial response was a definite "no"....why do I want to go tot a prison and be with all those "people"...I went, went again and again and soon became consumed with compassion when I realized that each opportunity I had to share the testimony of my family struggle affected some who were guilty of a similar crime. Many have never heard from a victim let alone experience the discourse of what happens to a victim's family. Some have apologized to me, perhaps for the first time, realizing what they have done to others. Again, my faith, my family, and my friends

allowed me to find peace regarding my father's death. You can forgive the sinner but not the sin.

Nothing yesterday, today or tomorrow will bring my father back. I accept that. Taking the lives of the two minors that murdered my father will satisfy nothing. Many say perpetrators should be held responsible for their actions--then hold them accountable with a sentence of life in prison, no years of pleadings or hearings or extensions, simply life without parole.

Today and everyday, I wear my father's wedding band as a reminder of the many fond memories of him in our 40 years together. He lived life to the fullest, set many a good example as a man of deep faith. By his death he would not seek vengeance to those who took him from us. Now, 31 years later, my journeys continue to the prisons and jails. It gives me comfort that by my testimony I may have some influence with those who have committed crimes. Mr. Chairman, this committee has the unique opportunity to make history. Please join me in my effort to abolish, once and for all, the death penalty in Montana. I have no letters after my name. I have no degrees to strengthen my beliefs. I know for certain the death penalty is not, I repeat is not a deterrent to crime. I have asked this question of many inmates I have counseled and their answers have confirmed my suspicions: in committing a capital crime, the possibility of receiving the death penalty does not stop their actions.

I echo the profound words of E.C. McKenzie, who said "we are like beasts when we kill...we are like men when we judge...we are like God when we forgive.

Thank you for your time, your patience and your consideration of my request.